

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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TRUSTEES OF THE DISTRICT COUNCIL NO. 9  
PAINTING INDUSTRY INSURANCE FUND, *et al.*,

Petitioners,

v.

RASHEL CONSTRUCTION CORP.,

Respondent.

22 Civ. 10721 (JPC)

ORDER

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JOHN P. CRONAN, District Judge:

Petitioners have filed a petition to confirm and enforce an arbitration award under section 301 of the Labor Management Relations Act of 1947 (“LMRA”), *as amended*, 29 U.S.C. § 185. Dkt. 1. Respondent has not appeared in this action. Having reviewed Petitioner’s submissions, the Court requires additional information. Petitioners’ demand for arbitration referenced seven missing reports required under an agreement between Petitioner District Council No. 9 International Union of Painters and Allied Trades, A.F.L.-C.I.O. and Respondent Rashel Construction Corp. Dkt. 2-3 at 2-3. The arbitration award which Petitioners seek to confirm references a failure to submit remittance reports “for the weeks ending 5/24/2022 through 6/28/2022,” which appears to constitute six weekly violations. Dkt. 2.1 at 3. However, using a penalty of \$500 per violation, the arbitration award also appears to reference seven violations in its \$3,500 award. *Id.* By June 19, 2023, Petitioners should address this discrepancy and, if appropriate, provide the evidence submitted to the arbitrators regarding the number of violations that occurred.

Further, Petitioners should address whether the Trustees of the District Council No. 9 Painting Industry Insurance Fund and the Trustees of the District Council No. 9 Painting Industry

Annuity Fund are proper petitioners in this case, given that they do not appear to have been parties to the arbitration and it is unclear what injury they have suffered from Respondent's reporting violations.

SO ORDERED.

Dated: June 12, 2023  
New York, New York

A handwritten signature in black ink, appearing to read "John P. Cronan", written in a cursive style.

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JOHN P. CRONAN  
United States District Judge